

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(b)).

on 2/21/08

Signature [Signature]
 Typed or printed name ROGER M. RATHBUN

In re Application of ROBERT D. HERBST
 Application Number 09/977,644 Filed 10/15/2001
 For A SAMPLE HOLDING SUBSTRATE etc
 Art Unit 1797 Examiner LYLE ALEXANDER

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 510.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 255.00

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application in a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____ . I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the:

☐ applicant/inventor.

☐ assignee of record of the entire interest.
 See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
 (Form PTO/SB/98)

☒ attorney or agent of record.
 Registration number 24,964

[Signature]
 Signature
ROGER M. RATHBUN
 Typed or printed name

(843) 682-2501
 Telephone number

☐ attorney or agent acting under 37 CFR 1.34.
 Registration number if acting under 37 CFR 1.34. _____

2/21/2008
 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

On the date stamped below, the USPTO will

Make a deposit - PTO/58/31

Check # 671 for \$255.00



USPN 09/977,644

Filed 10/15/2001

Art. Unit 1797

Patent Hurdle

Mar. 21/21/2008

ROGER M. RATHBUN BUSINESS ACCOUNT		671 67-219/539 BRANCH 1389
		February 21, 2008 DATE
PAY TO THE ORDER OF	Commissioner for Patents and Trademarks	\$ 255.00
Two hundred fifty five and 00/100		DOLLARS
 CAROLINA FIRST HILTON HEAD ISLAND, SC 29928		
FOR		